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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
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13 Plaintiff,
14 v.

15 PAO VANG,
a/k/a "CLOWNSY,"
16 JHOVANNY DELGADO-MARCELO
a/k/a "JHIO," and
JOHNNY XIONG,
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18 Defendants.
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CASE NO. 1:20-cr-00116-NONE-SKO

VIOLATIONS: 18 U.S.C. § 1959(a)(5) – Conspiracy
to Commit Murder in Aid of Racketeering

INDICTMENT

The Grand Jury charges:

I. INTRODUCTORY ALLEGATIONS

The Racketeering Enterprise: Mongolian Boys Society / Mongolian Blood Society

1. The Mongolian Boys Society, a/k/a the Mongolian Blood Society ("MBS"), is a criminal organization whose members and associates engaged in, among other things, acts involving murder, distribution of controlled substances, unlawful possession of firearms, and other crimes, often with the purpose of intimidating rival gang members and members of the community, and to protect their "turf" and fellow gang members.

2. At all relevant times, the Mongolian Boys Society, including its leaders, members, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Formation

3. In 1985, a Hmong gang known as Peace MOD was formed in Fresno, California in response to acts of Norteño, Bulldogs, Crips, Bloods, and other Asian gangs. Several years later, a handful of Hmong youth broke off from Peace MOD and formed a division of MBS in Fresno, California.

Structure of the Organization & Membership

4. Members and associates of MBS signify their membership by wearing tattoos, including having "MBS" tattooed on their chest, back, neck or another part of their body. Moreover, MBS members identify one another using monikers. MBS members and activities are typically centered in Fresno and Visalia, California.

5. Members are typically "put in" or initiated into the gang by other, more senior gang members. In that regard, MBS has a rank structure where older members, sometimes referred to as "OG's" (or "original gangsters") operate as decision-makers for gang activities. This is part of the gang's self-imposed code of conduct, which is imposed and enforced to maintain compliance among its

1 members. MBS enforces its rules and promotes discipline among its members by "checking," or
2 disciplining members. Lower ranking members are required to seek approval from higher ranking
3 members prior to acting against rival gang members.

4 6. MBS gang members are expected to protect the name, reputation, and status of the gang
5 and its individual members from harm, insult, or disrespect by rival gang members and other persons. To
6 protect the gang and to enhance its reputation, MBS members are expected to use any means necessary,
7 including acts of intimidation and violence, to obtain respect from those who show its members
8 disrespect, including rival gangs. MBS's rival gangs include the AC ("Asian Crips"), ABZ ("Asian
9 Boyz"), and URC ("Unknown Regulator Crew or Unknown Rapist Crew").

10 7. MBS gang members earn money by committing criminal acts, including robberies and
11 distribution of controlled substances. MBS members and associates commit acts of violence to maintain
12 and enhance membership and discipline within the gang, as well as violence against rival gang members,
13 those perceived to be rival gang members, rivals in general, or those who disrespect or commit violence
14 against MBS members.

15 8. In the County of Fresno, California, MBS members have committed numerous criminal
16 violations to further the gang's objectives. From 2010 to the present, MBS members were involved in
17 distribution of controlled substances, while acting in concert with other MBS members. As part of these
18 efforts, MBS members often possessed firearms to help further their narcotics trafficking efforts.

19 9. MBS members have also used force or threats of force to collect gang-related debts. In
20 that regard, individual MBS members have used force to collect debts for fellow gang members noting
21 that a debt owed to an individual member is owed to the gang.

22 10. To further the gang's objectives, MBS members have also carried out various robberies,
23 home invasions, and committed mail theft to earn funds for the gang and its members.

24 11. MBS members and associates communicate about gang activities with other MBS
25 members using mobile telephones, telephone text messages, and other modes of electronic and wire
26 communications.

12. PAO VANG, a/k/a "CLOWNSY," JHOVANNY DELGADO-MARCELO a/k/a "JHIO," and JOHNNY XIONG, the defendants, and others known and unknown to the Grand Jury, are members and associates of MBS.

Purposes of the Enterprise

13. The purposes of the enterprise included, but are not limited to, the following:

- a) Enriching members and associates of MBS through, among other things, theft, acts involving murder, and distribution of controlled substances;
- b) Preserving and protecting MBS criminal ventures through the use of violence and threats of violence against members of rival criminal organizations or community members;
- c) Promoting and enhancing the reputation and position of the MBS criminal street gang with respect to rival criminal organizations and other community members; and
- d) Keeping its victims and witnesses in fear of the enterprise and in fear of its members and associates through threats of violence and violence.

Methods and Means used by the MBS

14. Among the means and methods by which the members and associates of MBS conducted and participated in the conduct of the affairs of the enterprise were the following:

- a) Members and associates of MBS committed, attempted and threatened to commit acts of violence, including acts involving murder, battery causing serious bodily injury, assault, home invasion, and robbery, to protect and expand the enterprise's criminal operations.
- b) Members and associates of MBS promoted a climate of fear through violence and threats of violence;
- c) Members and associates of MBS used and threatened to use physical violence against various individuals; and
- d) Members and associates of MBS trafficked in controlled substances.

15. The above-described MBS enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1),

1 namely, acts involving robbery in violation of California law, and offenses involving trafficking of
2 controlled substances in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

3 The Planned Retaliatory Murder and the Defendants' Role

4 16. MBS gang members met on November 17, 2019, to plan a retaliatory murder that was in
5 response to the killing of "Victim R," who was murdered on November 17, 2019, following a wedding
6 on November 16, 2019. MBS gang members believed Asian Crips killed Victim R.

7 17. At the meeting where MBS members discussed the plan, higher-ranking MBS members
8 selected the neighborhood and residence located as 5361 E. Lamona Ave. in the city of Fresno, California
9 for retaliation. MBS gang leaders selected the target based on a belief that Asian Crips resided at or
10 frequented the residence.

11 18. After the target location was identified, the shooters were selected or volunteered, and the
12 shooters were provided a .40 caliber Glock handgun and a fully automatic 9mm Glock handgun (i.e. a
13 machinegun as defined in 26 U.S.C. § 5845).

14 19. MBS gang leaders designated Pao VANG aka "Clownsy," Jhovanny DELGADO aka
15 "Jhio," and Johnny XIONG as lookouts. The lookouts attended the meeting outlining the planned
16 retaliation and understood that the objective was to kill individuals at the designated target residence.
17 The lookouts positioned themselves at corners on the periphery of the neighborhood where the target
18 residence was located to report the presence of law enforcement to the shooters or other gang members.

19 20. Thereafter, on November 17, 2019, the MBS shooters killed four individuals and injured
20 at least six others using the .40 caliber Glock handgun and the fully automatic 9mm Glock handgun that
21 were provided during the meeting discussing retaliation.

1 COUNT ONE: [18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering]

2 The Grand Jury further charges: T H A T

3 21. The allegations contained in paragraphs 1 through 20 of this Indictment are re-alleged and
4 incorporated here.

5 22. Beginning on a date unknown to the Grand Jury, and continuing through at least on or
6 about November 17, 2019, in the State and Eastern District of California, and elsewhere, for the purpose
7 of gaining entrance to and maintaining and increasing position in the Mongolian Boys Society, an
8 enterprise engaged in racketeering activity, the defendants,

9 PAO VANG,
10 a/k/a "CLOWNSY,"
11 JHOVANNY DELGADO-MARCELO
12 a/k/a "JHIO," and
13 JOHNNY XIONG,

14 together with others known and unknown to the Grand Jury, did unlawfully and intentionally conspire
15 and agree with each other and others to murder rival gang members and others, in violation of California
16 Penal Code Sections 182, 187, and 189.

17 All in violation of Title 18, United States Code, Section 1959(a)(5).

18 A TRUE BILL.

19 /s/ Signature on file w/AUSA

20 FOREPERSON

21 MCGREGOR W. SCOTT
22 United States Attorney

23 **KIRK E. SHERRIFF**
24 By: KIRK E. SHERRIFF
25 Assistant U.S. Attorney
26 Chief, Fresno Office
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